

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Michele W. Orr,)	
)	Civil Action No.: 4:16-cv-02728-JMC
Plaintiff,)	
)	
v.)	ORDER
)	
Nancy A. Berryhill, ¹ Acting Commissioner)	
of Social Security Administration,)	
)	
Defendant.)	
_____)	

This matter is before the court upon motion of Plaintiff, through her attorney, Robertson H. Wendt, Jr. (“Counsel”), for an award of \$7,395.55 in attorney’s fees and \$400 in costs under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, filed on April 22, 2018. (ECF No. 31.) In a Response filed on May 7, 2018, Defendant notified the court that she does not oppose Plaintiff’s request for attorney’s fees in the amount listed above. (ECF No. 32.) However, the parties agreed to a stipulated amount of \$6,800.00 in attorney’s fees and \$400 in costs. *Id.* The court has reviewed Plaintiff’s Motion and Defendant’s Response and finds the stipulated request for fees reasonable.

In accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), EAJA fees awarded by this court belong to the litigant and are subject to the Treasury Offset Program. 31 U.S.C. § 3716(c)(3)(B) (2006). Therefore, the court directs that fees be payable to Plaintiff and delivered to Plaintiff’s Counsel. The amount of attorney’s fees payable to Counsel will be the balance of stipulated attorney’s fees remaining after subtracting the amount of Plaintiff’s outstanding federal debt. If

¹ Nancy A. Berryhill became the Acting Commissioner of Social Security on January 23, 2017. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Carolyn W. Colvin as Defendant in this action.

Plaintiff's outstanding federal debt exceeds the amount of attorney's fees under the stipulation, the stipulated amount will be used to offset Plaintiff's federal debt and no attorney's fees shall be paid.

(*See* ECF No. 32.)

For the reasons set forth herein, after a thorough review of Plaintiff's Motion (ECF No. 31) and Defendant's Response (ECF No. 32), the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 31), and **AWARDS** Plaintiff \$6,800.00 in attorney's fees and \$400 in costs.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

June 15, 2018
Columbia, South Carolina